

§ 121.621 [Amended]

d. By deleting the words "minimum initial approach altitude" in § 121.621 (a) (1) and substituting in place thereof "lowest MEA, MOCA, or altitude prescribed for the initial approach segment of the instrument approach procedure for that airport."

e. By amending § 121.637(a) (4) to read as follows:

§ 121.637 Takeoffs from unlisted and alternate airports: Domestic and flag air carriers.

(a) * * *

(4) The weather conditions at that airport are equal to or better than the following:

(i) *Airports in the United States.* The weather minimums for takeoff prescribed in Part 97 of this chapter; or where minimums are not prescribed for the airport, 800-2, 900-1½, or 1,000-1.

(ii) *Airports outside the United States.* The weather minimums for takeoff prescribed or approved by the government of the country in which the airport is located; or where minimums are not prescribed or approved for the airport, 800-2, 900-1½, or 1,000-1.

§ 121.651 [Amended]

f. By amending § 121.651 by—

(1) Deleting the words "ceiling or ground visibility" and the word "is" as they appear in paragraph (a) and substituting, in place thereof, the words "weather conditions" and "are", respectively;

(2) Deleting the words "ceiling or" in paragraphs (b) and (c);

(3) Deleting the words "minimum landing altitude" in paragraph (c) and substituting, in place thereof, the words "MDA or DH";

(4) Deleting the words "ceiling and" in the introductory clause of paragraph (d);

(5) Deleting the words "minimum landing altitude" in paragraph (d) (2) and substituting in place thereof, the term "MDA"; and

(6) Deleting the words "landing minimum landing altitude" in the concluding clause of paragraph (d) and substituting in place thereof, the words, "MDA or DH".

(7) Deleting the word "ceiling" wherever it appears in paragraph (e) and substituting in place thereof the words "MDA or DH".

§ 121.653 [Amended]

g. By amending § 121.653 as follows:

(1) By deleting the words "ceiling or ground visibility is" in paragraph (a) and substituting, in place thereof, the words, "weather conditions are".

(2) By deleting the words "ceiling or" in paragraph (b).

(3) By deleting the words "ceiling and" in paragraph (c).

(4) By deleting the words "minimum landing altitude" in paragraph (c) (2) and substituting, in place thereof, the term "MDA".

(5) By deleting the words "landing minimum altitude" in the concluding clause of paragraph (c) and substituting in place thereof, the words "MDA or DH".

(6) By deleting the word "ceiling" in paragraph (d) and substituting in place thereof, the words "MDA or DH".

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

8. By amending Part 135 as follows:

§ 135.107 [Amended]

a. By deleting the words "that airport's minimum initial approach altitude" in § 135.107(b) and substituting in place thereof the words "the lowest MEA, MOCA, or altitude prescribed for the initial approach segment of the instrument approach procedure for that airport."

§ 135.111 [Amended]

b. By amending § 135.111 as follows:

(1) By deleting the words "ceiling and" from the introductory clause of paragraph (b).

(2) By deleting the words "landing minimum altitude" in paragraph (b) (2) and substituting, in place thereof, the term "MDA".

(3) By deleting the words "landing minimum altitude" in the concluding phrase of paragraph (b) and substituting in place thereof the words "MDA or DH".

(4) By deleting the word "ceiling" where it first appears in paragraph (c) and substituting in place thereof the words "MDA or DH".

(5) By deleting the phrases "the ceiling is less than 300 feet or" and "the ceiling is less than 200 feet or" in paragraph (d).

(Secs. 307, 313, 601, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421)

Issued in Washington, D.C., on October 2, 1967.

D. D. THOMAS,
Acting Administrator.

[P.R. Doc. 67-11765; Filed, Oct. 5, 1967; 8:45 a.m.]

[Docket No. 2438; Amdt. 25-16, 121-32]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Cockpit Voice Recorders

The purpose of these amendments to Parts 25 and 121 of the Federal Aviation Regulations is to revise § 25.1457(d) (2) to permit the installation of cockpit voice recorders which have an automatic means to stop each erasure feature from functioning within 10 minutes after the instant of crash impact, and to clarify

§ 121.359 with respect to the retention of recorded information by the certificate holders.

Current § 25.1457(d) (2) requires that cockpit voice recorders must be installed so that there is an automatic means to stop each erasure feature from functioning at the instant of crash impact. A number of different means have been utilized in the various voice recorder systems in an attempt to comply with this requirement. However, precise compliance has proven to be very difficult, and with the automatic means now available under the present state-of-the-art, there could be a period of time following crash impact during which the erasure feature continues to function. This has created no particular problem to date since all of the recorders presently used are of the continuous loop type which continue to record during the time the erasure feature is functioning. Moreover, the FAA is now aware that there are situations in which cockpit sounds, including crew voices, for a short interval after the instant of crash impact could be useful in the subsequent accident investigation. Since, under the operating rules, an operator may erase all but the last 30 minutes of recorded information, the FAA considers that in those cases where there could be an interval of recorder operation after crash impact, the cockpit voice recorder must be designed and installed so that this interval cannot exceed 10 minutes. Thus, a minimum of 20 minutes of recorded information before the instant of impact would necessarily be retained.

Furthermore, it is necessary that the recorder and the erasure feature cease to function simultaneously in order to assure a full 30 minutes of intelligible recording. This is obviously the intent of the present rules, and in all of the current voice recorder installations, the erasure feature is stopped by stopping the recorder. Therefore, for the purpose of clarifying the voice recorder requirements, it is considered appropriate to amend § 25.1457(d) (2) to specify that the automatic means must simultaneously stop the recorder and prevent each erasure feature from functioning.

Under § 121.359(e), the certificate holder must retain the recorded information for at least 60 days in the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 320 of its regulations. On the other hand, paragraph (a) of § 121.359 requires that the recorder must be operated continuously from the start of the use of the checklist to completion of the final checklist at the termination of the flight. Moreover, paragraph (d) permits the use of an erasure feature on the recorder so that information recorded more than 30 minutes earlier may be erased. The requirements of paragraphs (a) and (d) have created some concern in determining the appropriate course of action in the event of an inflight accident or occurrence. While paragraph (e) requires the retention of recorded data in the event of an

[Docket No. 8078; Amdt. 61-361]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS**Certification of Certain Foreign Military Pilots on Duty With an Armed Force of United States**

accident or occurrence, this is not possible in the event of an inflight accident or occurrence since paragraph (a) requires that the recorder must continue to operate until completion of final checklist at termination of the flight and paragraph (d) permits the erasure of all but the last 30 minutes of recorded information. It is therefore obvious that the accident or occurrence referred to in paragraph (e) is not an inflight accident or occurrence but one that results in the termination of the flight. The requirements of paragraph (e) have, therefore, been amended to make this clear.

Since these amendments remove an unnecessary restriction and provide clarification of existing regulations, I find that notice and public procedure hereon is unnecessary and good cause exists for making these amendments effective on less than 30 days' notice.

These amendments are issued under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, § 25.1457(d) (2) of Part 25 and § 121.359 (e) of Part 121 of the Federal Aviation Regulations (14 CFR Parts 25 and 121) are amended, effective October 6, 1967, as follows:

1. By amending § 25.1457(d) (2) to read as follows:

§ 25.1457 Cockpit voice recorders.

(d) * * *

(2) There is an automatic means to simultaneously stop the recorder and prevent each erasure feature from functioning, within 10 minutes after crash impact; and

2. By amending § 121.359(e) to read as follows:

§ 121.359 Cockpit voice recorders.

(e) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part _____ of its regulations (present Part 320 of this title), which results in the termination of the flight, the certificate holder shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with investigations under Part _____ (present Part 320 of this title). The Administrator does not use the record in any civil penalty or certificate action.

Issued in Washington, D.C., on September 29, 1967.

WILLIAM F. McKEE,
Administrator.

[F.R. Doc. 67-11830; Filed, Oct. 5, 1967; 8:50 a.m.]

The purpose of this amendment to Part 61 of the Federal Aviation Regulations is to extend the privileges of § 61.31(a) to certain foreign military pilots who hold a current civil pilot license issued by a foreign member State of the International Civil Aviation Organization (ICAO), and to clarify § 61.31 (b), (c), and (d) by including the identifying words "United States" where applicable.

The amendment to § 61.31(a) was proposed in Notice 67-12 and published in the FEDERAL REGISTER on April 8, 1967 (32 F.R. 5740). The comments received on the notice support the proposal. As stated in the notice, the amended provision recognizes the technical value of the foreign civil pilot license, in keeping with ICAO objectives, with respect to pilots assigned to flight duty with U.S. Armed Forces. It should be noted that the foreign military pilot must be both a holder of a civil pilot license and a member of the Armed Force of the same member state of ICAO before the privileges of the section are extended to him. Thus, the FAA extends the privileges of the section to the foreign military pilot only when the country in whose Armed Force he is a member has favorably considered his civil pilot qualifications and issued him a civil pilot license.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matters presented.

With the amendment to § 61.31(a), paragraphs (b), (c), and (d) of the section need clarification. Paragraph (a) is quite clear in speaking of members of an Armed Force of the United States. Paragraphs (b), (c), and (d), however, speak of "military aircraft", "official military checkout", "military instrument flight check", "current military instrument rating or card", and "appropriate Armed Force form or Navy flight logbook". Prior to this amendment, § 61.31 (b), (c), and (d) in context indicated that the expressions applied to U.S. military qualifications. However, with the introduction of members of an Armed Force of a foreign member state of ICAO in paragraph (a) of § 61.31, paragraphs (b), (c), and (d) could be misconstrued. Therefore, these paragraphs are amended so that each reference to a military qualification is preceded by the identifying words "United States". Since this amendment in this respect is clarifying and places no added burden upon any person, notice and public procedure thereon are not necessary.

In consideration of the foregoing, Part 61 of the Federal Aviation Regulations is amended effective November 5, 1967, as follows:

1. By amending paragraph (a) of § 61.31 as follows:

a. By striking out the word "or" at the end of subparagraph (3).

b. By striking out the period at the end of subparagraph (4), and inserting a semicolon followed by the word "or" in place thereof.

c. By inserting a new subparagraph (5) to read as follows:

§ 61.31 Military pilots or former military pilots; special rules.

(a) *Written test and evidence.* * * *

(5) He holds a current civil pilot license issued by a foreign contracting state to the Convention on International Civil Aviation authorizing at least the pilot privileges of the airman certificate he seeks, and—

(i) He is a member of an Armed Force of that contracting state on duty with an Armed Force of the United States with solo flying status as a rated pilot; or

(ii) He was, at any time since the beginning of the 12th calendar month before he applies, a member of an Armed Force of that contracting state on duty with an Armed Force of the United States with solo flying status as a rated pilot, and was not removed from that duty or status, or from solo flying status with an Armed Force of that contracting state, for lack of flying proficiency.

2. By amending paragraph (b) of § 61.31 as follows:

a. By inserting the words "United States" after the words "pilot in command in" and before the words "military aircraft" and after the word "official" and before the words "military checkout" in subparagraph (1).

b. By inserting the words "on his U.S. pilot certificate" after the words "instrument rating" and before the comma, in subparagraph (2).

c. By inserting the words "United States" after the words "of a" and before the words "military instrument flight check" in subparagraph (2).

3. By amending paragraph (c) of § 61.31 by inserting the words "United States" before the word "military" wherever the word "military" appears in subparagraphs (1), (2), and (3).

4. By amending paragraph (d) of § 61.31 as follows:

a. By inserting the words "United States" before the words "Air Force", "Navy", "military", and "rated" in subparagraph (2) and before the words "Air Force", "military", and "checkout" in subparagraph (3).

b. By striking out the words "from an Armed Force" and inserting the words "from a U.S. Armed Force" in place thereof in subparagraph (4).

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422)

Issued in Washington, D.C., on October 2, 1967.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 67-11831; Filed, Oct. 5, 1967; 8:50 a.m.]

[Docket No. 7974; Amdt. 61-37]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Flight Instructor Limitations With Respect to Student Pilot Logbook Endorsements

The purpose of this amendment to Part 61 of the Federal Aviation Regulations is to clearly prescribe the responsibilities and limitations of certificated flight instructors with respect to student pilot logbook endorsements under § 61.73.

By Notice 67-5 (32 F.R. 3171) issued February 16, 1967, the FAA proposed that § 61.180 be made definitive of the responsibilities and limitations of a certificated flight instructor with regard to endorsing a student pilot logbook. Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matters presented.

As stated in the notice, under § 61.73, the student pilot is charged with the responsibility of securing from the instructor appropriate endorsements in his student pilot logbook before he may make certain solo and cross-country flights. In conjunction with this responsibility there must be a corresponding responsibility upon the instructor to determine whether the student pilot has complied with the requirements necessary for the endorsement under § 61.73. The amendment will enunciate the responsibility and will impose the duty of compliance upon the flight instructor to go along with the authority that he has had.

The only comments in opposition to the proposal were submitted by five persons who objected on two grounds. First, it was the position of four commentators that the present rule is complete, clear, and entirely satisfactory and places the responsibility for logbook endorsements entirely on the student pilot where it belongs. Secondly, one commentator took the position that failure of an instructor to properly endorse a student pilot logbook comes from a lack of understanding of what endorsements are proper and not from intentional refusal on the part of the instructor.

The FAA does not agree that the responsibility for the logbook endorsements required under § 61.73 (c), (d), and (e) rests, or should rest, entirely on the student pilot. Instead, it is a joint responsibility with certain responsibilities applicable to both the student pilot and the instructor. The amendment makes this clear by applying limitations on the flight instructor for student pilot logbook endorsements similar to those that exist for a student pilot certificate endorsement. This will ensure that a considered determination has been made by the flight instructor before a student pilot logbook is endorsed. Furthermore, as the amendment will serve to clarify the responsibilities of the flight instructor for student pilot logbook endorsements, there should no longer be the possibility of a misunderstanding on the part of instructors of what endorsements are proper. The language of the amendment

has been changed from that in the notice to aid in accomplishing this purpose.

In consideration of the foregoing, § 61.180 of the Federal Aviation Regulations is amended effective November 5, 1967, by redesignating paragraph (e) as (f) and inserting a new paragraph (e) to read as follows:

§ 61.180 Limitations.

(e) A certificated flight instructor may endorse a student pilot logbook for solo or solo cross-country flight under § 61.73 (c), (d), or (e) only if he determines that the student pilot has complied with the applicable requirements, and if he has performed the following as applicable:

- (1) Given the flight check to the student pilot as provided in § 61.73(c);
- (2) Given the flight instruction to the student pilot, and found him competent for solo flight, as provided in § 61.73(d); or
- (3) Reviewed the student pilot's pre-flight preparation and planning or given the specified flight instruction, when one of these is prescribed, and determined that the student pilot is competent to make the specified solo cross-country flight or flights, as provided in § 61.73(e).

(Secs. 313(a), 601(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on October 2, 1967.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 67-11832; Filed, Oct. 5, 1967; 8:50 a.m.]

[Airspace Docket No. 67-EA-95]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Lynchburg, Va., control zone.

As of November 9, 1967, the weather and communications requirements for a control zone will not be met by the facility at Lynchburg-Preston Glenn Airport between the hours of 0000 and 0700 local time. Therefore, the control zone must be altered to a partial control zone.

Since this amendment is less restrictive and therefore imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing the amendment is hereby adopted effective 0001 e.s.t., November 9, 1967, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to add to the description of the Lynchburg, Va., control zone the sentence "This control zone is effective from 0700 to 2400 hours, local time, daily."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on September 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-11799; Filed, Oct. 5, 1967; 8:47 a.m.]

[Airspace Docket No. 67-EA-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Niagara Falls, N.Y., control zone.

The name of Niagara Falls Municipal Airport has been changed to Niagara Falls International Airport and therefore requires an editorial change in the control zone description.

Since the amendment is only editorial, it imposes no additional burden on any person and therefore notice and procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing the amendment is hereby adopted effective 0001 e.s.t., November 9, 1967, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the word "Municipal" wherever it appears in the Niagara Falls, N.Y., control zone and substitute in lieu thereof the word "International".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on September 20, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-11800; Filed, Oct. 5, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Nashville, Tenn., control zone to include the Cornelia Fort Airpark Airport on Saturdays, Sundays, and Federal legal holidays.

The Nashville control zone is described in § 71.171 (32 F.R. 2071).

The Air Transport Association proposed, based on safety factors, that the Nashville control zone be altered to include the Cornelia Fort Airpark Airport. Parachute jump activities are conducted regularly at this airport, located near the northern boundary of the control zone and the final approach to Runway 22 at Nashville Metropolitan Airport.

The owner and operator of the Cornelia Fort Airpark Airport opposed this proposal on the basis that additional limitations would be imposed upon local aeronautical activity under VFR weather conditions.

During a discussion at Nashville on August 24, 1967, the owner and operator